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Brief Sketch of a Candidate for the Command of Our Army.

Specific charges of a scandalous nature against Gen. LEONARD WOOD are numer-

ous and serious. But they can be sifted, and by investi-

gation they may be disproved. Doubt is common and widespread as to the validity of Gen. Wood's advertised claims to public gratitude for services rendered.

But further evidence may remove these doubts, or further services may

establish a new and better claim. Indignation is intense in many quar ters over the injustice to the hundreds of honorable and experienced army officers who have been wronged by the unexampled promotion of this physician.

But if supreme military genius is in truth his, it will be the patriotic duty of the victims of injustice to suffer and be

We can understand how all the foregoing considerations might be brushed aside by a personal friendship such as that which the former Lieutenant-Colonel of the Rough Riders has conceived and entertains for the former Colonel of the same regiment. Upon that friendship rests still the warm glow and glamour of the camp fire beside which the two friends sat when they exchanged vows and partitioned the earth and the future between themselves.

But can even a friendship like unto that of THEODORE ROOSEVELT for Dr. LEONARD WOOD overlook the awful consequences of a mistake in its estimate of the competency of an untried and practically inexperienced amateur soldier swiftly lifted to the highest military command?

Charges of personal unworthiness may be disproved, doubts as to administrative merit may be dispelled, resentments at outrageous injustice to other officers may be stiffed. One doubt remains, and with it a terrible responsibility on the part of the President who for friendship's sake takes the chances and decrees the appalling rick.

It is not that the consequences of such a mistake will fall directly upon the ardent friend who has risked the experi-

They will be measured, perhaps, on some day and field unforeseen, in the heart blood of tens of thousands of Americans whose lives have been unwittingly sacrificed in advance to a personal favorite and an unfit commander.

Homesick in Congress.

The Hon. JOHN R. THAYER of the Worcester Fur Club has the honor of representing the Third Massachusetts district in Congress. The Republican Heart-ofcester Republicans squabble and glare at one another. So Mr. THAYER, a popular and an excellent citizen in his rather noisy way, was elected to the Fiftysixth and Fifty-seventh Congresses; and the Fifty-eighth Congress is not orphaned of him. When he is not hunting rabbits or foxes in Milbury or Oakham. he hunts the tariff or corporations. We had supposed that he was as happy as a man of his intelligent self-appreciation ought to be.

Alas! even the robustious have their troubles. Last Thursday he caught the Speaker's eye. The Speaker wanted to Spooner bill was under discussion, that know why Mr. THAYER uprose. The gentleman from Worcester said he rose to a question of privilege. State it, de facto Government, the outcome of said the Speaker. Mr. THAYER began to "state":

"Mr. Speaker, since we have been called together two weeks before it seemed that it was necessary-

Evidently there is an ordinary session of the Worcester Fur Club in November and Mr. THAYER was vexed at being interrupted by Mr. ROOSEVELT. Mr. PAYNE of New York was rude enough to interrupt, too. Mr. PAYNE made the to exist, notwithstanding the transforpoint of order that Mr. THAYER'S stateof personal privilege. Uncle JoE agreed, but allowed Mr. THAYER to go on. Finally he relieved himself of this speech:

"In view of the fact, Mr. Speaker, that 400 men have been here assembled for four days and substantially nothing has been accomplished, with the prospect that for the next four days nothing will be accomplished; and in view of the fact that many who live in places accessible to the Capitol have already returned home, and others wish to go; and n view of the fact that this Cuban question was thoroughly discussed at the last session and no substantial amount of time is needed to pass or reject this matter at the special session. I want to ask if a person would be suspected of being derelict in duty or open to criticism by this House if he should return to the quiet of his own home and the bosom of his own family, there to be engaged in getting up the winter's wood or mending his fences, if they perchance need mending, providing he returns home with the understanding, left with the Chair, that he would return to the Capitol at any time when the six or eight prominent members of Congress (who constitute Congress) notified him that there would be anything to do?"

The Speaker said that Mr. THAYER'S question of personal privilege "hardly amounted to a faint assault upon the dignity of a parliamentary inquiry." Mr. PAYNE remarked dryly that he was "somewhat inclined to ask unanimous consent that the gentleman be excused from attendance." Nobody understood or pitied the feelings of Mr. THAYER. To be sure, nobody but Mr. THAYER would have said that nothing had been accomplished in the first four days or would be accomplished in the next. The plan for putting the Cuban commercial treaty into effect was preparing. The Committee on Ways and Means was appointed. The bill machines, resolution machines, memorial and petition ma-

chines were grinding out full grists. The private pension bills were growing into a mountain. The Congressional Record shows that Congress was doing matter with the gentleman from Worcester? Nothing but homesickness. He to be back with the boys of the Fur Club. He should have been excused on account of urgent private business.

His remarks about the "six or eight prominent members of Congress" might seem to be the voice of envy. Nothing of the sort. He is prominent himself and glad of it. In his autobiography in the Congressional Directory he confesses that he "has been one of the leading lawyers in Worcester county for many years." He is not jealous of his brother leaders in Congress. He pants to make the fur fly in Barre or Sutton. ing Day will take some of the jaundice out of him.

Will the Democrats Oppose a Treaty With Panama?

The proposed free coinage of silver at the ratio of 16 to 1 was a dead issue in the Presidential campaign of 1900, and the appeal made to the voters in that year by Democratic leaders was based mainly on the anti-imperialist demand for a surrender of the Philippines. The result was an overwhelming victory for Mr. McKinley, who obtained a majority of 137 electoral votes, as against a majority of 95 secured four years before. A mistake no less fatal will be made if the Democratic steering committee of the Senate resolve to oppose a canal treaty with Panama and to go before the country in 1904 with the plea that the Spooner act required the President, on the rejection of the former treaty by Colombia, to open forthwith negotiations the judicious rejoice. He talks sense. with Costa Rica and Nicaragua for the He wastes no time. He is alert. Best construction of a canal by way of Lake of all, he seems to have a sense of humor. Nicaragua., That act, we are told, was A little dialogue, spoken in the House mandatory, and the question as to Thursday, may give some idea of his which some Democrats desire to invite | concision and his humor. The Clerk the judgment of the people, is whether Mr. ROOSEVELT shall be suffered to PAYNE, the chairman of the Committee violate or evade a law.

The issue thus framed is technical rather than substantial. It raises a nice question for international lawvers. rather than for laymen, to determine. Is it true that the authority vested by the Spooner act in the President to negotiate for permission to construct a canal across the American Isthmus has lapsed because the ownership of that Isthmus has passed from the United States of Colombia to the Republic of Panama? Should not the plain intent of the act be carried out, irrespectively of the particular political entity which at a given moment may possess sover eignty over the territory through which the canal is to run? Did the Spooner act have any other primary purpose than to authorize the procurement of a franchise for a canal through the Isthmus of Panama, provided such franchise could be secured within a reasonable time? Is not Mr. ROOSEVELT justified in law and equity when he regards the independent State of Panama as subrogated for the particular political entity which happened to control the Isthmus when the Spooner act was passed?

The common sense of the American people will not hesitate for a moment as to the answer which such a question ought to receive. The reply undoubtedly should be in the affirmative. Any other answer would imply that Congress, when passing the Spooner act, not only contemplated the construction of a canal at Panama, but also meant to insist that the Government then installed at Bogota should continue to retain control of the Isthmus at the time when the purchase money agreed upon should be paid. It would imply that, unless the bonus of \$10,000,000 should be received by President Marroquin, the attempt to buy a franchise for a Panama canal should be definitely abandoned. Such an implicaton would be preposterous. It was perfectly known to Congress, when the the Colombian Administration headed by President MARROQUIN was merely a usurpation and violence; that it existed in defiance of the Colombian Constitution of 1886, and that it might be overturned h extraordinary session at an extraordinary time, at any moment by a popular uprising; just as the Republic of New Granada, with which we concluded the Treaty o 1846, was overturned and superseded by another political entity. Remembering that our rights and duties with relation to Panama under that treaty continued mation of the other party to the contract. ment was not a statement of a question | Congress took for granted that the authority vested in the President by the Speoner act would continue to be exercised, no matter what political changes might take place in a country which has been for eighty years the theatre of incessant revolution. Such an assumption was inseparable from a transaction with a de facto Government which, notoriously, owed to force its precarious

tenure of power. Neither in the form of common sense nor in that of international law is there any room for doubt that the Spooner act would have authorized Mr. ROOSEVELT to continue negotiations-provided, in his judgment, they could be completed within a reasonable time-with President MARROQUIN'S successor, had a new Executive been raised to power by a popular upheaval in the Colombian capital. How is the situation altered by the fact that the change of government took place at Panama instead of at Bogota? Is not secession as legitimate as revolution in the case of a country like Colombia, whose history is one long record of political separation, fulfilled, authorized or attempted? As we have formerly pointed out, scarcely was the Republic of Colombia recognized by us in 1826, than Venezuela withdrew, nor was it long before Quito or Ecuador followed her example. In 1853 the Republic of New Granada adopted a Constitution by which the right was expressly granted to every province to declare itself independent. Subsequently to that date, as well as previously, there

tioquia and Cartagena. We were at liberty to recognize any one of those seceding Commonwealths, first as a de business enough. What, then, was the facto and ultimately as a de jure Government, and it would have been morally our duty to do so had any one of them could hear the dogs barking. He wanted been threatened with such sweeping sacrifice of its vital interests as Panama suffered when the canal treaty was tion is secondary rather than direct. rejected by the usurping Government

at Bogota. Some Democratic newspapers have contrasted the course pursued by Mr. ROOSEVELT with the position taken by Mr. CLEVELAND in his first administration, when a revolution broke out at Panama and our Government practically sided with the central Colombian Government against the revolutionists. Mr. CLEVELAND took a different position at that time because the situation was That's all. A "turkey-shoot "Thanksgiv- fundamentally distinct. The inhabitants of the Isthmus then had comparatively little to complain of, whereas at the present juncture independence was the alternative to ruin. Even as it was, Mr. CLEVELAND may well have wished that he had permitted the revolutionists to attain their end, for in that event the greater part of the town of Colon might have escaped destruction by a con-

flagration. Morally and legally, Mr. ROOSEVELT has a perfect right under the Spooner act to negotiate for a canal franchise with the political entity which has succeeded to Colombia's former sovereignty over the Isthmus.

It is far too early to form an opinion of the aptitude of the Hon. JOHN SHARP WILLIAMS for his difficult post as minority leader in the House of Representatives, but his first week in that capacity makes had just read the bill introduced by Mr. on Ways and Means, "to carry into effect a convention between the United States and the Republic of Cuba." Mr. PAYNE moved to adjourn. Mr. WILLIAMS wanted to ask a question. Then began the dialogue from which this specimen is snipped:

"Mr. WILLIAMS-You are going to call a meeting of the Committee on Ways and Means and report the bill the same day? "Mr. PAYNE-Certainly

"Mr. WILLIAMS-I wanted to know the magnitude of the outrage we would be expected to submit to. "Mr. PATNE-This is simply promptness, no "Mr. WILLIAMS-That may be from your stand

point, speaking in comparison with some other things that have occurred. "Mr. PAYNE-We will be most happy to consult

with the gentleman on the matter. "Mr. WILLIAMS-At what hour is the meeting of

"Mr. PATNE-At half-past 10. "Mr. WILLIAMS-Cannot you make it ten instead of half-past 10 and give us half an hour longer?"

Mr. PAYNE refused to give the addiional half hour. In asking for it, in seeking to reduce the magnitude of the outrage by thirty minutes, Mr. WILLIAMS showed himself to be capable of the saving grace of humor. May it continue to flow from him spontaneously when the occasion prompts! Largely for want of that, regarding himself too seriously and not having a well broken temper, the Hon. JOE BAILEY, since so distinguished in the Senate, failed as the leader in the House.

Mr. WILLIAMS'S predecessor, the Hon-JAMES DANIEL RICHARDSON, was as solemn as ISAIAH, JEREMIAH, EZEKIEL and DANIEL pooled, and as ponderous as ten thousand elephants followed by thirty thousand camels carrying dictionaries. The House wants to be interested. At times it wants to be amused. The man who can combine public business with the pleasure of the House, so to speak, who never bores it, seldom vawps or struts or babbles, is competent, quick of mind and slow to anger, not keyed up too high to be in tune with the House-that is the man to lead. Mr. WILLIAMS may or may not be that kind of man. At any rate, he begins pretty well.

The Sunday Golfer.

Practically everything suits the New York Sabbath Committee except the Sunday golfer. The committee, rounding out the forty-seventh year of its activity, declares in its annual report that New York ranks high for its Sunday order and quiet. In 1901 only 734 arrests were made for violations of the Sunday laws, and in 1902 only 473 violators were taken up. The city's population is 3,700,000, and the showing is a good one; it bears out the reputation of the community for peace, lawfulness and order. Only the Sunday golfer merits severe reprobation, says the committee. but he is a pretty bad lot. The committee says of golf:

"It is the peculiar diversion of prosperous people who can ordinarily take their pleasures on any day of the week. There seems less excuse for t on Sunday than for other sports of the less favored

classes. Justice GAYNOR, who is ever on the alert to discover and right injustices, asks pertinently, "Why not arrest the golf players as well as the ball players?" Better, why arrest the ball players at all if they annoy no one? An Alderman from Harlem who sees hundreds playing golf at Van Cortlandt Park every Sunday threatens to prohibit their playing if boys are not allowed to play baseball He is against special privileges. The committee recognizes the justice of his attitude:

"Hence those who insist on Sunday golf wher other games are illegal, increase the class prejudices and hatreds so deplorable at present, and on the day which is meant to suppress our individual selfishness they say in substance: 'Who cares for the caddles, the links keepers and the objectors, only we can have our Sunday aport!' This is still a feature of suburban life that meets with mixed

acceptance. They would dare to say "Who cares for the Alderman?"-at least not in his presence or his district. The golfers are as the sands of the sea in number. were repeated secessions, conspicuous but an Alderman is greater than a mulamong the provinces which, at one time | titude. We advise the golfers to watch or another, declared themselves inde- out, or else they may find themselves

pendent being Panama, Veragua, An- locked up. The Sabbath Committee, plus the Alderman, can overcome all of them.

Instructions From Alaska.

The political forehandedness of the Republicans of Alaska must excite the envy of the Democrats of Vermont, whose participation in a national elec-

Alaska has no electoral votes, and cannot, therefore, take part in a Presidential election. It has no such representation in Congress, through a Territorial Delegate, as' is accorded to Arizona, New Mexico, Oklahoma and Hawaii, but it has already elected delegates to the next Republican national convention. not yet called, and the time and place for which are not 'yet determined. Here is the communication sent from Juneau by the Republican national committeeman for Alaska; in absolute indifference to recognized usages, it is addressed to "The President, Washington, D. C.":

"Territora convention to-day elected J. G. REID, CHARLES S. JOHNSON, WILLIAM T. PEREINS. W. D. GRANT, J. W. IVEY, OSCAR FOOTE, Delegates national convention. Instructed for ROOSEVELT.

Alaska is not entitled to take part, except by courtesy, in the nomination of a President and Vice-President by either political party. The last Republican convention admitted no delegates from Alaska. The last Democratic convention at Kansas City had six. "Instructing" delegates not summoned to a national convention not yet called is certainly a demonstration of superior political confidence.

The Republican national committee, which fixes the time and place for holding the next national convention, will meet in Washington on Dec. 11.

In justice to the excellent gentleman humble intentions, however, he should be styled Servant Cannon until by h s own act ne forfeits that title.

Although the special session of Congress called by President ROOSEVELT has been in existence only five business days and a good share of its time has been taken up n the work of organization, its members have not neglected the necessities of the nation so far as public buildings are concerned. Already one measure providing for the erection of Federal buildings to house all first, second and third class post offices has been introduced by Mr. ACHESON of Pennsylvania, and thirty-two special bills, according to the latest returns, have been introduced for buildings in certain

Deputy Police Commissioner PIPER's rules of the road, designed to simplify the management of vehicular traffic in the streets, are reasonable and easy to enforce. The confusion in the city thoroughfares is tue more to a lack of system in directing the traffic than to any other cause. If the police will enforce Capt. PIPER's rules intelligently and drivers will obey them willingly, not a little of the congestion and confusion in the highways will be avoided.

Cook's Voyages.

TO THE EDITOR OF THE SUN—Sir: This is an age of character building, and the person who makes a specialty of any useful venture is the one who succeeds. Samuel Reed Cook of Rockport, Ind., has founded the Yankee of Golden Character Society. Mr. Cook is the only person in the world who has ever accured a free life pass over all the railroads and steamers in the world. He will start on Jan. 1, 1904 visiting every nation's capital and every capital of States. His duty is to watch the character and usefulness of person he meets. To compete one must not swear, chew drink, smoke nor have any ill habits. Any laborer, farmer, inventor, teacher, benefactor, professor or any class who makes a specialty of something may compete. No objections to any age, sex, color, nationality or religion.

One person chosen by Mr. Cook in every nation and one in every State of nations will be decorated with the honor and badge as a "Yankee of Golden Character, usefulness and professor in his re-spective State and specialty." Purthermore, what-ever reasonable, worthy wish such a winner makes will be granted through charitable per &c. This society will influence the world for bette character and a specialty of professions. People will strive to become masters in their line and still hold a character and win the conferred honor and their respective wish. Watch your character and do something worthy,

for Samuel Reed Cook may step in your town any day unawares and crown you a "Yankee of Golder SAMUEL R. COOK.

The Hanover Square Stairway.

TO THE EDITOR OF THE SUN-Sir: Schoolboys are taught that two bodies in the same space cannot move in different directions at the same time, but the Manhattan Elevated Rallway Company at its the manifestation seems to be operating under a different principle.

The situation at that station in the rush hours

of the morning is simply disgraceful. Crowds ard the steps, only to meet the people forcing heir way up the stairs to take uptown trains. It would be such a simple matter for the Manhattan company to put another straiway up to that station that it is incomprehensible why the comfort of the riding public does not receive some consideration. The statement of the company appearing in the dally press day before yesterday shows a sufficient amount of prosperity to warra the small expenditure of money.

The Troubles of a Clipper. TO THE EDITOR OF THE SUN-SIF: As a reader for keeps of the Great Luminary, I am in the habit cutting out all the articles that particular appeal to my judgment as superior, and then sending them to friends out of town. have been obliged, lately, to discontinue that method, simply owing to the fact they were all so

superior. I simply draw a line around the entire

NEW YORK, NOV. 14.

editorial page and let it go at that. H. C. M. C. A Cat, a histrionic Cat, One fatal Day amaz'd sat And watched a human Mime A Mime ventriloquistic Evoke applause a goodly while By Meows realisti common feline Catawauls Obtain at least some eight Recalls She saw "in front" a hoary Boy Convulsed by sheer æsthetic Joy The while the Mime meowed, The Mime ventriloquistic

The hoary Boy she followed Home For Reasons but Artistic-(Ah! strange, strange things are done, they say For Art that's writ with a u. c. A.) Abed the Boy had scarcely snored When upward, outward, round she poured A Pman sweet and clear, A Pæan culogistic Her Soul affame with love of Art.

"If imitation Catawaulings youder Boy above enthrell dear to him my Art!" The Feline thought ecstatic. Alas! poor Girl, she died to learn Her Critic was erratic. , he went and got a Gun

To frantic Shouts and freazied Roars

She kindly rendered six Encores

The moral of this Tale? Why, everybody knows: The Theatre is the Theatre, but At Home is an autre Chose. THE CASE OF ESTES G. RATHBONE

WASHINGTON, Nov. 15 .- If Estes G. Rath bone is a criminal, he is a man of superb effrontery. He was arrested, tried, convicted and sentenced, in the city of Havana, on charges of conspiracy with Messrs. Neely and Reeves to defraud the Cuban Sovernment, then under American control. He was released under an amnesty bill, which was passed by the Cuban Congress after having refused a proposal for his pardon. He declined pardon on the ground hat its acceptance would be construed into an acknowledgment of the guilt which he denied.

He came from the prison in which he had been confined, declaring his purpose to devote the remainder of his life, if necessary, to the securing of a new trial of his case and the establishment of his innocence of the crime with which he had been charged. He returned to the United States and, in furtherance of his declared purpose, submitted to the Congress of the United States an appeal for a Congressional investigation of his case. This was in June, 1902. The matter was referred to the Senate Committee on Relations with Cuba, in whose hands it still remains. He filed with the War Department charges against Gen. Leonard Wood, in which he lleged that official's direct interference in the processes of the postal case trials, in violation of the laws under which the case was tried. He also alleged the admission in the trial, by the instructions of Gen. Wood, of ex parte testimony in violation of the principles of both Spanish and American law. He also preferred serious charges of official misconduct on the part of Gen. Wood. All this was summarily dismissed with the statement that "No answer to the charges was required from Gen. Wood, and none was necessary, for it was already known to the Secretary of War that the charges were in every respect without just foundation." Nevertheless, Gen. Wood did file an elaborate analytical reply to the charges. Rathbone carried his case on appeal to the President, but received no reply from that quarter.

The disposition of both press and public in the United States has been to accept the verdict of the Cuban courts, and to regard Rathbone as a convicted criminal guilty of the offences charged against him. Yet Rathbone asserts his innocence, and declares that a fair and honest trial would result in his full acquittal. He claims that he holds ample proof that Gen. Wood violated the law by direct and personal interference in the proceedings of the court and charges that official with a persisten persecution which was largely instrumental in his conviction. These are matters which can be proved only by judicial investigation, but the conditions of the case give some ground for a belief that a rehearing would be no more than an act of justice. Certainly, if he was wrongfully convicted, he is, as an American citizen, entitled to relief from the stigms o crime now resting upon him. If he is guilty, it is eminently probable that a trial, held in this country, would establish the fact and confirm the verdict of the Cuban court. That he is so earnest and so persistent in his demand for a retrial or at least for a thorough official investigation, appears as an argument in favor of his petition. A man conscious of his own guilt would naturally hesitate in taking the risk of having his crime so positively nailed upon him.

The case, from his point of view, includes, among others, the following features. As Director-General of Posts in Cuba, Rathbone expended, from the public funds received by his department, certain sums of money amounting in all to a little more than \$4,000, for a carriage, horses and equipment, and their maintenance and for various articles of household furniture. The same was done by almost every American official in the island. These expenditures were entered, by items, in Rathbone's official accounts. They were passed upon and approved by the local auditors, were the accounts of the other officials. That the various sums were duly accounted for by itemised entry in official reports is held by Rathbone's friends to argue, on its face, an absence of any oriminal intent.

When the Neely scandal appeared, inspectors were sent from Washington to go over the accounts of the Cuban post office. The Washington auditor secured the approval of the local auditors, and disallowed the expenditures in question. It is averred that the proper course in such cases, assuming the propriety of the disallowance would have been a demand upon Rathbone for the deficiency so created. Response not being made, and no criminal intent being apparent, suit for recovery would be in order. This course was not followed in Rathbone's case. He was apprehended on a charge of malversation of public funds, and, akhough the amount involved was only \$4,000, Gen. Wood, then in the United States, tolegraphed to his representative in Havana that Rathbone's bail should be at least \$25,000,"

Rumors of irregularities in the Cuban post office had been current for some weeks when inspectors were sent from Washington to Havana to make investigation. The result was the exposure of the Neely frauds. The examination of the books and accounts revealed the fact that two officials, namely, Charles F. W. Neely and W. H. Reeves, had deliberately and with criminal intent plunged their hands into the Cuban treasury. Naturally, the revelations occasioned an intense excitement, and vigorous search was made in all directions for possible accomplices in the crime. The sweep included Rathbone. For the original charge against him, there was substituted that of conspiracy with those men in an attempt to defraud the

Government of a sum exceeding \$100,000. Neely was an appointee of Mr. Perry S. Heath, then First Assistant Postmaster-General in Washington, and had gone to Cuba with a personal letter of introduction from Heath to Rathbone, to whom he was, up to that time, an entire stranger. He was, in that letter, recommended as "a grand confidential man." On the strength of Heath's recommendation he was made Chief of the Bureau of Firance. Neely's accomplice, Reeves, was likewise an appointee of Mr. Heath, and equally a stranger to Rathbone until his arrival in Havana. Upon the advice, in writing, of Auditor Lawshe, Reeves was made Chief of the Bureau of Postal Accounts.

Besides his assertion of innocence, and his demand for justice through a rehearing of his case, Rathbone's request for a reopening of the matter rests broadly upon two assertions. One of these alleges Gen. Wood's illegal interference in the proceedings of the court by the issue of direct instructions to the court officials. The other deals with the use of ex parts testimony in the trial.

The former of these assertions declares perversion of justice and a violation of Article 387 of the Penal Code of Cuba, then in force and effect under laws issued and established by American authority. The article, translated, reads as follows:

An administrative or military official who shall give orders or intimations to a judicial authority relating to causes or questions, in controversy whose cognizance or decision is of the excitative competency of courts of justice, shall incur the

Among the documents filed by Rathbone with the War Department, in his charges against Gen. Wood, and also with the Senate Committee in his appeal for an investigation, there appear a number of specific filustrations of interference with the proceedings of the court. The following may

be cited as specimens. Sr. Ramon Beranaga, Justice of First Instance

Post Office, arrested yesterday, you are authorized to fix the ball as follows: In the case of E. P. Thompson . in the case of Jorge F. Mascara .. LEONARD WOOD.

. Ramon Baranaga, Judge of First Instance

StR: Confirming the mehal instructions given up a few days since by the Milliary Governor, in the Post Office cases, he requests that you will not proceed against any persons connected with the Mr. Conant, who is acting as special attorney for

Respectfully yours. (Steped) W. V. RICHARDS.

Adjutant-General Copies of other similar communications are available, but these will serve as illus-

trations. The second of Rathbone's main assertions concerr s the use of ex parte testimony in his trial. The point is technical and somewhat involved. Rathbone asserts that he can prove the use of such testimony from the records of the trial. The force and meaning of this charge will be made clear by the following extract from an official order which was transmitted to the court on Nov. 14, 1901. It was copied from instructions received from Washington:

In regard to the proceedings pending against C. F. W. Neely et al., known as the postal cases, the Milliary Governor directs me to inform you that, in case it be the intention of the prosecution to make use, as evidence in the trial, of testimony applied for in the United States, you shall immediately inform the proper authorities that this

The Act of Congress passed on the 6th day o fune, 1900, for the extradition of persons accused of crimes in any foreign country, or any territor; control of those countries or territories shall guarantee to such persons a fair and impartial trial.

A trial in which there are used ex parte deposiions given by persons when there is no oppor tunity to cross-examine, is not a "fair and impartia trial;" and accordingly, as before sta-depositions cannot be used at the trial.

This was signed by Col. H. L. Scott, Adjutant-General on the staff of Gen. Wood, acting as Milltary Governor in the absence of his chief, in pursuance of in-

structions received from Gen. Wood. The principle of law involved is clearly stated in the communication, and its sup port by an act of Congress is specified Rathbone declares that both law and principle of law were violated. In support of his declaration he cites a communication which appears to be the conclusion of a discussion of the matter between Gen. Wood and the Department in Washington. This was sent on Dec. 6, 1901, from the office of the Cuban Secretary of Justice: To the Audiencia of Harana:

In regard to the letter of this office, dated Nov. 14, 1901 (see foregoing), in relation to the cases pending of C. F. W. Neely and others, known as the Post Office cases, by which letter it was for-bidden to use as evidence in the trial the results of the interrogatory letters sent to the United States, the Miliary Governor directs me to inform you that the said letter of the 14th of November, 1901 and the instructions therein contained, are by this letter repealed, and that the use of the results of the interrogatory letters are allowed in the trial

VARMA JADO

In other words, it is held that the principle of law so clearly stated in the letter of Nov. 14, was set aside by order of the Military Governor. It remains for Rathbone to prove that such testimony was admitted to the prejudice of his case. He asserts upon the courte, exercised by the Military Governor; to the illegal use of ex parts testimony; and the acceptance in the of the unsworn evidence of the self-con fessed oriminal. Reeves, who turned States evidence, and who was, in consequence of that, granted a full pardon by order of Gen. Wood. (See Civil Order No. 111,

April 24, 1902.) An interesting sequel to all this appeared in the public press during the month of May, 1902. The newspapers of May 9 stated that Senator M. A. Hanna had that day called at the White House and submitted a "formal demand" for a new trial for Mr. E. G. Rathbone. They further stated that documentary evidence then submitted was "prepared at the request of the President," made at a conference held on the preceding evening, when the entire matter was fully discussed. It is to be assumed from the action taken by the President that there was at least a measure of justice in the "demand." As a result of the incident, the following letter was sent to Gen. Wood:

WASHINGTON, May 12, 1902.

SIR: Counsel for defendant Rathbone, in th
Post Office cases, has presented to the Presiden
an application for an order by the President direct ing a new trial in his client's case, upon a number

You will accordingly promulgate an Amendment of the Law of Criminal Procedure, substantially in accordance with the draft inclosed herewij in such cases of all questions of law, fact and pro cedure, and authorizing in broad terms such judg ment by the Supreme Court as justice may require Very respectfully.

(Signed) ELINU ROOT

The order referred appeared among those published in the Official Gasette of Havana, which made its appearance at a late hou on the night of May 19, 1902, the day preeding the American withdrawal. It is dated May 17, 1902, and appears as Section 1 of Civil Order No. 160. The Supreme Court of Cuba is the equivalent, in its position and general functions, of the Supreme Court of the United States. It was created and established by American authority (Gen. Brooke's Order No. 41, April 14, 1899) in place of the Supreme Court, which, under the Spanish régime, sat at Madrid. The amendment virtually constituted that body a trial court for the hearing and determination of a criminal case. It transformed the court of highest appeal into a court of first instance. The day which so quickly followed the promulgation of the order was a holiday. At 12 o'clock, noon, American authority ceased. Rathbone was released under the Amnesty bill, and returned to present his claims for a rehearing before his own countrymen.

Summarizing the foregoing, it may be said that Rathbone's social and legal re-habilitation depends upon his ability to ire a bearing and to prove:

1. That his case was unduly prejudiced and fliegally influenced by the direct interference of the Military Governor in its

2. That ex parte testimony was admitted to his injury, in the course of the trial, and in violation of principles of law as declared by the War Department. 2. Then he is guiltless of the crime

which he was convicted.

All this he claims to be able to prove if he can secure arrimpartial hearing.

THE CATHOLIC UNIVERSITY.

Cardinal Gibbons's Appeal on the Occasion of the Coming Collection for It.

On Sunday, Nov. 29, the first Sunday in Advent, a collection will be taken up for the first time, by direction of Pope Pius X., in all Catholic churches of the United States for the Catholic University at Washington. To make the Pope's object clear and to explain to Catholics more specifically what the needs of the university are, Cardinal Gibbons, as Chancellor and as spokesman for several members of the American hierarchy, issues a letter to the Archbishops and Bishops,

from which we quote: "That these needs are fully appreciated by the Holy Father is evident from the fact that one of the earliest measures of his pontifloate is in favor of the university, and that his first communication to the hierarchy of the United States expresses his concern for the welfare of this pontifical institution.

"It is plain that the sacrifices made in sc many ways for the education of Catholio youth should not have as their final result the sending of those same young men, at the most critical period of their intellectual and moral formation, to institutions placed beyond Catholic control. On the other hand, if our schools and colleges are to serve successfully the purpose for which they have been founded, it is necessary that their teachers be fully as well prepared as the teachers in other institutions of like grade, and this preparation should be received under the salutary influence which only a well equipped Catholic university can exert.

The generous endowment of educational institutions by non-Catholics is one of the most significant movements in our national

The generous endowment of educational institutions by non-Catholics is one of the most significant movements in our national life. That Catholics who have contributed so freely to so many other needs of the Church are ready, in respect of educational zeal, to rival their non-Catholic fellow citizens we may take as an assured fact. What is requisite to direct their generosity toward the work of higher education is clear perception of its importance and necessity.

The university has a plant and endowments, amounting in all to about \$2,000,000, contributed by the generosity of our clergy and laity. It is now necessary that we make good what has already been done, by adding such endowments as will complete the faculties, meet extraordinary expenses and place the institution on a self-sustaining basis. For the Church in our country to do this would not require such an extraordinary effort. And once fully equipped the university would be the source of blessings innumerable for ages to come to the young and vigorous Church of the United States. New demands are made each year upon the university for better equipment of the existing departments, and even for the establishment of other departments, without which the several courses of instruction must be fragmentary, and for that reason in no con-

ment of other departments, without which the several courses of instruction must be fragmentary, and for that reason in no condition to attract the large number of students for whom they are intended. An exhibit of the financial condition of the university is now being prepared, and will, as soon as nossible, be placed in the hands of the Bishops, and this will be done hereafter annually.

"Baltimore, Nov. 12, 1003."

Boys From Parochial Schools Preferred. TO THE EDITOR OF THE SUN-Sir: I am very much interested to see the letter of "M. P. C." in this morning's paper, comparing the standing of boys who are the product of the Catholic schools with those of the public

I am a Protestant and so cannot be accused of bias when I say that the boys from the New York parochial schools are as a rule preferable as office boys to those from our will state that we get nearly all our boys

public schools. To emphasize what I say, I will state that we get nearly all our boys from the former schools, and we employ quite a large number, all told.

It might be more to the point to say why we find the Catholic schoolboy better, and leave the shortcomings of his public school fellow to be judged by inference.

His arithmetic has a commercial value in rapidity and accuracy; his writing is uniform and, as a rule, good; he can read with reasonable rapidity and accuracy; and he canthis is where he is far ahead of the other boy—understand a message or instructions, and follow them intelligently.

I am sufficiently familiar with the methods used in both schools to be able to see the reason for the differences. In the parochial schools the boys get a thorough training in the fundamentals—reading, writing and arithmetic. They are taught to spell by rote, they learn their tables by rote and devote a sufficiently long period to writing to be able to weave parti-colored watch fobs or make baskets or design book covers, but what they do they do thoroughly. If they don't, it is due to the boy's inattention, which is corrected, as was my misbehavior at school, by corporal punishment.

I am a firm believer in the value of manual training in moderation, but, in my opinion, we are spoiling a lot of very good material, not only in paper, water colors and wood, but also in boys.

I would be interesting to know if other business houses have had the same experience.

A Protestant Business Man

The Lung Block.

To THE EDITOR OF THE SUN-Sir: I entirely agree with Father Curry, the rector of St. James's Church, in the remarks which he made to the Board of Estimate on Friday relative to the "Lung Block If the city would acquire this property, rare the buildings, destroy by fire the germs which are supposed to exist there, and sanction the erection even by private means, of a model tenement house on lines which under those circumstances could be very much broader and more extended than anything which has ever been heretofore attempted, I have no doubt that some public spirited man of wealth if the matter were brought to his attention properly, would be only to glad to furnish the necessar amount of money to erect a house which would prove a credit alike to himself and the community. and a lasting monument to his generosity

Plans of such a house are in my possession, to gether with an approximate estimate of cost and return upon the investment, but they are so elaborate, in a sense, that I hesitate to encroach ful apon your space by detailing them. Sumee it to say that the idea is a very broad one, entirely practicable, and that it would in the judgment of the writer and others more competent to judge than he go a long way toward the solution of many a prob-lem which now confronts those who work among the so called poor.

Pather Curry is right; what these people need

homes, not parks. The plans above referred to will, without hes tation, be shown to any who are interested, and have already been indirectly brought to the atention of the Tenement House Commission

H. A. GROBSBECK, Treasurer, the Little Mothers' Ald Association. NEW YORK, NOV. 14. The Canadian Woman Wins Applause.

To THE EDITOR OF THE SUN-Sir: All honor to the Canadia: lady—I use the term advisedly— whose opinion of the Yankee nation you publish The clear insight of her view could hardly be excelled by THE SUN itself, and she deserves at the hands of us Yankees the very best that can be

Let us hope that, if she has not already formed some such plan, she will choose a "gude man" from among us, and in that way demonstrate the bene-ficial effects of aunexation in its highest sense. NEW YORK, Nov. 14.

Content to Be a Small Nation.

From the Toronto Globe
The affairs of the small nation are as a rule better managed than those of the large nation. le of Canada can manage their public affairs much better under existing conditions than if they had to consume their mental energy in watching public expenditures in Florida, Texas and the Pribyloff Islands, or in supervising appropriation Straits Settlement. Let us have some time to de-vote to such problems as the filling of Ashbridge's Bay and the entrance of the radial railways. Such

Manville Fenn's Reasonable Protes

From the Athenaum.
I naturally enough read the commencement your article under the heading "Juvenile Books." o-day, and find myself compelled to depart fro my usual custom and cavil at your introductory words, while feeling a glow of satisfaction at your words, while technical the quality of my work. But may I sak you to add to these encomiums and tell my "boy readers" and others whom I may have interested that I am not "the late Mr. Manville Fenn," but one who hopes to go on for some time that it is a support of the late of the la yet with "the old vigor, viv and variety"!

Wante information About Missionary Work

TO THE EDITOR OF THE SUN-Sir: Please give an old reader some information concerning Christian missions in the Esquimau settlements. There is plenty of information to be had of the work among work in the cold regions.

MANLY ABOUT. WORCESTER, Mass., Nov. 15.

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